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Thomas Becket Essay
Sarah Wolek, HPMS 7006 Spring 2023

What made criminous clerks such a divisive issue between Henry and Thomas?

In his review of the various Lives of Becket written following the murder of Thomas Becket in 1170, historian Michal Staunton proclaims that many hagiographies refer to criminous clerks as the “the most important” issue in the conflict.¹ The main point of contention was deciding who had jurisdiction over members of the clergy who had been accused of committing a crime. As king, Henry II was ruler of England and thereby felt he should have the authority to mete out justice to all who lived in his kingdom. Clergy were inherently English subjects, and many were also barons with lay responsibilities to the crown, and as such, Henry felt his authority extended to them. Thomas, as Archbishop of Canterbury, was the head of the Church in England, and therefore felt the church should be responsible to judge those who had been called to its service and were accused of a crime. It was around this particular topic that the relationship between Henry and Thomas rapidly deteriorated and ended with Thomas’ murder.

In order to assess how criminous clerks became such a divisive issue, three aspects of the situation should be considered. The first being the judicial system which had developed up to the time of the conflict, the second being the socio-political pressures under which the secular and ecclesiastical spheres were operating, and finally, the personal relationship and actions between the two men. Each of these factors would contribute to why the issue of criminous clerks created such a fraught relationship between Henry and Thomas.

¹ M. Staunton, *Thomas Becket and his Biographers*, (Rochester: Boydell Press, 2006) p. 100.

The Evolution of the Judicial System in Western Europe

The judicial system under which England, and much of Europe in the early medieval period, were operating had been evolving as a result of the declining influence of the Roman Empire. Designation of judicial authority had generally been dictated by the nature of the crime more than that of the criminal. In AD 539, Roman Emperor Justinian codified the concept that, for civil matters the accused would be tried by the civil courts, and for religious matters by the ecclesiastical courts, regardless of which sphere the accused operated within. In this way, canon law was interconnected with common law and bishops and lay judges often cooperated with one another on civil matters. Criminal matters, however, were first tried by the lay judiciary but severe punishment on ordained clerks could not be delivered until a bishop had stripped them of their clerical status.²

The post-Roman judicial system in England followed much of the same pattern as the rest of Western Europe and Anglo-Saxon rulers operated in concert with the church. Religious leaders in England held positions on secular courts and excommunication was used as a punishment for secular as well as religious misconduct.³ Conversely, at least as early as the reign of King Edgar in the tenth century, records show secular penalties exacted for moral offences.⁴

Over time, however, ecclesiastical rule began to increase in influence and control. Charlemagne contributed to this increase in the latter part of the ninth century by including bishops into his judicial reform policies and expanded their responsibilities as secular lords. In

² A. Duggan, 'Clerical Exemption in Canon Law from Gratian to the Decretals', *Medieval Worlds: Comparative & Interdisciplinary Studies*, 6 (2017), 78-100 (pp. 79-80).

³ C. R. Jeffrey, 'The Development of Crime in Early English Society', *The Journal of Criminal Law, Criminology, and Police Science*, 47(6) (1957), pp. 647-666 (p. 658).

⁴ C. Morris, 'William I and the church courts', *The English Historical Review*, 82(324) (1967), pp. 449-463 (p. 454).

the feudal system in place at the time, lords were expected to manage disputes of their tenants, which further blurred the lines of responsibility between secular and ecclesiastical jurisdiction when the lord was also a bishop. As their own judicial power grew, bishops began to delegate that authority to others within the church, again expanding the ecclesiastical reach, but also to rulings involving laymen.⁵

Decoupling authority from the central figure of the bishop had the ultimate effect of creating an inconsistent judicial system rife with abuse that the pope felt weakened the influence of the church. To correct this situation, the church underwent a period of reform in the eleventh century. Bishops were reinstated in ecclesiastical legal roles, and it was made clear that they were not to be involved in secular jurisdictions.⁶ The directive was not as much a move away from secular matters as it was a move away from collaboration within common law and a move toward the establishment of a uniform ecclesiastical law process. A papal court could designate judge delegates to hear local cases, and ecclesiastical proceedings were managed by bishops or enforced through councils and synods. Synods may only meet twice a year, however, so more and more, bishops were granted authority to issue a final ruling in cases as opposed to waiting for a higher church authority to do so.⁷

The system proliferated through Henry and Thomas's time, and beyond, and episcopal courts grew more independent from the secular courts, though not in regards to what type of cases they would hear as lay people would also take their grievances to the ecclesiastical court

⁵ C. Donahue, 'The Ecclesiastical Courts: Introduction', in *The History of Courts and Procedure in Medieval Canon Law*, eds. W. Hartmann and K. Pennington (Washington DC: Catholic University of America Press, 2016), pp. 247-299, (p. 252-254).

⁶ C. Donahue, p. 254.

⁷ C. Morris, 'From Synod to Consistory: the Bishops' Courts in England, 1150-1250', *Journal of Ecclesiastical History*, 22(2) (1971), 115-123 (p. 118).

over the secular one. Christians were sometimes encouraged to not take disputes to the secular courts at all.⁸ Historian Colin Morris notes “the assumption was widespread that the proper place to do justice was a synod or clerical assembly”.⁹ For a secular ruler like Henry, this would have been a clear threat to their ability to govern as the ultimate authority.

It was during this period of vying for authority between church and state that Henry’s great-grandfather, William the Conqueror, had instituted a new rule of law in England following the conquest. William made a point to separate episcopal matters from cases that were dealt with in the “hundred courts” or other aspects of secular law in England as he consolidated his position as the new king.¹⁰ This was a formal change from traditional Anglo-Saxon policies of intermixed jurisdiction, but the policy had been under debate in England prior to the Conquest and would not have been an entirely new concept to the English.¹¹

This system endured through William’s tenure and was upheld by his sons, William II and Henry I, during their reigns as well.¹² This establishment of secular versus ecclesiastical jurisdiction being instituted at the very start of Norman rule in England became a significant point of contention in the debate between Henry and Thomas and the argument regarding adherence to historic customs of law and justice.

⁸ C. Donahue, p. 251.

⁹ C. Morris, p. 116.

¹⁰ C. Donahue, p. 254.

¹¹ Early twentieth-century medievalist Charles Haskins claimed that ‘we must seek in Normandy’ the underlying principles which drove William I to make his edict separating secular and episcopal jurisdiction but modern historians point to the presence of English representatives at the Council of Rheims in 1049 as evidence that the English were aware of canonical and civil reform under consideration at the time. See Morris, p. 453. Activities at Rheims were also captured in the Anglo-Saxon Chronicle, further demonstrating English engagement in reform discussions. See David Bates, *William the Conqueror* (London: Yale University Press, 2018) p. 101.

¹² H. Potter, *Law, Liberty and the Constitution: A Brief History of the Common Law* (Woodbridge: Boydell & Brewer, 2015) p. 58.

While a distinction between which offenses lay with the secular court vs the ecclesiastical one may have become more established over the years, it was not without dissention. Various Church councils would state that only God could judge clergy because they had been called to their duty by God.¹³ The culmination of this effort is frequently attributed to Gratian, founder of the school of canon law in Bologna, who published his multi-volume compilation of ecclesiastical law known as the *Decretum* in the 1140's.¹⁴

Gratian referenced Justinian's decrees, as well as multiple Church councils discussing the subject, to advocate for exempting clergy from secular judgement unilaterally and giving the church sole authority in such matters. Gratian left no ambiguity to his opinion in his *Decretum*, writing "clerical cases whether criminal or civil can be brought forward only before an ecclesiastical judge" and only then, if the bishop chooses not to hear the case, could it be sent to a secular court.¹⁵

Gratian's efforts demonstrate that the debate between Henry and Thomas was not limited to England and was raging across Western Europe. In general, new practices adopted in England are often considered to have originated on the continent first, so it is interesting that the twelfth century has been noted as an outlier in that regard. R. H. Helmholz claims twelfth century England was "a center for the collection of papal decretals and the study of canon law" at this period in history.¹⁶ It was during this heightened engagement in the formation of the ecclesiastical judicial system that Henry and Thomas found themselves debating. Henry's

¹³ A. Duggan, 'Clerical Exemption in Canon Law from Gratian to the Decretals', *Medieval Worlds: Comparative & Interdisciplinary Studies*, 6 (2017), 78-100 (p. 81).

¹⁴ A. Duggan, 'Clerical Exemption', pp. 80-81.

¹⁵ A. Duggan, 'Clerical Exemption', p. 86.

¹⁶ R. H. Helmholz, 'Local Ecclesiastical Courts in England', in *The History of Courts and Procedure in Medieval Canon Law*, eds. Wilfried Hartman and Kenneth Pennington (Washington DC: Catholic University of America Press, 2016), pp. 344-391, (p.345).

stated goal was to return to the judicial system of his forefathers which established distinctions between church and state and did not eliminate the role of the church in judicial matters but ultimately gave the royal court final authority. Thomas was more closely aligned with the Gratian belief that only the church could judge and punish clergy and that, once disciplined, no further action was allowed on the given offense.

The ever-changing nature of cannon and common law over the centuries prior to the criminous clerks controversy illustrate the vacillatory environment from which Henry and Thomas each established their positions on the matter. Neither had developed their opinion without reason, and each had sufficient justification from peers and predecessors to support their positions.

It was not just differences in the preferred judicial system that would make the issue of criminous clerks so divisive for Henry and Thomas. Socio-political turmoil of the era also played an important role in the conflict which ultimately drove the two men apart.

Socio-Political Instability

A king's authority, or at least the ease with which they can govern, is derived from the satisfaction of their subjects with their rule. A pope draws much of their power and influence from the belief of his subjects in the doctrine of the church which says the pope is the ultimate authority and God's representative on earth. Each position is only as strong as the support they have to maintain it, and in the early twelfth century, both church and state were dealing with instability within their organizations.

Henry came to power following a long and arduous conflict in England between his mother Matilda and her cousin Stephen. During this period, known as the Anarchy, both Stephen and Matilda claimed the right to the throne of England and the country was divided in their support. Battles were fought throughout the country and citizens were subject to the fraught conditions of war for a number of years on end. This significantly weakened the strength of the monarchy through lawlessness and conflicting authority. Henry was intent on establishing law and order in his kingdom following this tumultuous period which preceded his reign. A key component in establishing this authority would have been to show that he was the ultimate judge of the land, which would likely have contributed to his insistence to implement the legal system he was proposing.

While Henry worked to restore security to his kingdom, the church was soon engulfed in its own crisis of leadership on the continent. While tensions between Henry and Thomas continued to grow, including the period in which Thomas spent in exile in France, the church was also in its own period of unrest from a papal schism. When Pope Adrian died in 1159, rival factions supported two successors: Henry ultimately backing Alexander III, exiled in France, while the Holy Roman Emperor, Barbarossa, supported Victor IV in Rome.¹⁷ As a result, Alexander was reliant upon support from Henry to help maintain his position as head of the church. This tenuous position for Alexander would also have meant he could not be too forceful against Henry's wishes lest he jeopardize his own authority as head of the church.

The extent to which the schism had on Thomas' behavior does not seem to have been studied, but the papal conflict on the continent may have hardened Thomas' resolve to

¹⁷ J. Guy, *Thomas Becket: Warrior, Priest, Rebel*, (New York: Random House, 2012) pp. 136-137.

maintain his own position of authority over the Church in England, which would have been strengthened by the church having the final rule in matters of criminous clerks.

Concern over general authority and wanting to create the perception of power was a very real consideration given what England had recently gone through and what the church was actively embroiled in. Henry needed to demonstrate rule over, but also support of, his subjects, who felt the clergy were unnecessarily involving themselves in the lives of their parishioners. One such tale comes from one of Thomas' biographers, William fitz Stephen, who detailed a clash between the burgess of Scarborough and his local dean and archdeacon, who had extracted a payment from the man following their accusation that the man's wife was an adulterer. When the burgess appealed to Henry for help, Henry held a trial on the grounds of extortion, saying the church received more money "in this way ... from the people of the Kingdom than he himself received".¹⁸ In this example, Henry is the one making the accusation that the clergy acted in a criminal way. This adds another dimension to the debate as Henry was not only upset with criminous clerks acting against the interests of his subjects, but he may have been upset at certain practices of the church itself and planning some future reform through his jurisdiction over criminous clerks.

It also suggests there was a potential financial incentive for Henry to regain control of the legal system and subsequent fines levied. This is further supported by the fact that nearly every defendant in a criminal case was ordered to pay court costs, even if they were found to

¹⁸ L. T. Gourde, *An Annotated Translation of the Life of St Thomas Becket by William fitzStephen* (Unpublished Master's thesis, Loyola University Chicago, 1943), pp. 56-57. Available at https://ecommons.luc.edu/luc_theses/622 [Accessed 22 April 2023].

be innocent.¹⁹ A shift in trials from the secular to the episcopal courts would have diverted these funds from the king's coffers. To rule over a country, the king needs authority and support but also a well-filled coffer.

Another aspect of societal pressure specific to the issue of criminous clerks was the apparent rise in crime committed by individuals claiming to be clergy. Not surprisingly, exempting a class of people from secular justice appeared to lead to an increase in the number of people claiming to be clergy in order to avoid secular punishments. Known as "headless clerks" for not having ecclesiastical oversight, they were reported to use "the disguise of religion" to carry out acts of robbery and murder in the hopes that the punishment would be less harsh or never delivered at all.²⁰ At the Council of Woodstock in July 1163, Henry was told clergy had committed more than a hundred murders in the prevailing decade and countless accusations of theft and robbery.²¹

There was good reason for criminals to believe they may not be as harshly punished by the church. In his review of the punishment of criminous clerks, C. R. Cheney noted that "in no circumstances could [clerks] receive a blood-sentence in the [ecclesiastical] court".²² There was also a good possibility the accused would be allowed to profess their innocence or guilt without contradiction. One aspect of an ecclesiastical trial was a public request made to anyone who wanted to provide testimony of the cleric's guilt to the tribunal. Should no one come forward, which was frequently the case, the accused was allowed to give an oath known as a 'canonical purgation' of their guilt or innocence. Those whose claimed innocence was

¹⁹ R. H. Helmholz, p. 382.

²⁰ H. Potter, *Common Law*, p. 53.

²¹ H. Potter, *Common Law*, p. 54.

²² C. R. Cheney, 'The Punishment of Felonous Clerks', *The English Historical Review*, 51(202) (1936) pp. 215-236 (p. 225).

accepted were returned to their former life and “restored to his pristine reputation” while those who pled and were found guilty suffered degradation from their clerical status. Only the most egregious offenders were given a prison sentence.²³ Spiritual retribution was undoubtedly a significant deterrent in the Middle Ages, though it is not beyond reason to suggest that individuals facing corporal punishment would have been willing to take the risk of divine retaliation in the next life in order to avoid punishment in their current one and gone ahead with a false claim of being a member of the clergy.

In addition to a rise in crime and questionable clerical status of the accused, Henry was also concerned over inconsistencies across the ecclesiastical judgements being delivered by the church itself. In 1156, during the tenure of Theobald as archbishop of Canterbury, an archdeacon was accused of murdering his archbishop, yet the trial dragged on for over a year and no final judgement was ever made. In other cases, the church administered punishments arbitrarily, which could call into question the uniformity of justice delivered by the church.²⁴ Contributing to the inconsistencies, and likely Henry’s unease with the process, was a lack of documentation from ecclesiastical courts beyond the names of those involved and the final ruling. It has been noted that “no ... [detailed] records of canonical trials of clerics ... have been preserved, if indeed they ever existed”. To further complicate the matter, nearly every record of an ecclesiastical court documents that the accused was determined to be innocent.²⁵ This gap in the written record would have meant Henry was unable to review details of the trials

²³ R. H. Helmholz, p. 357.

²⁴ In one example, a clerk who stole a silver chalice from a church was branded and degraded under Becket’s orders at his own discretion as opposed to going through a judicial trial. See H. Potter, *Common Law*, pp. 53-54.

²⁵ Historians have recently theorized the purpose of the episcopal records may have been more to document innocence over a complete record of every proceeding, which would account for the absence of convictions. See R. H. Helmholz, p. 357.

for consistency or to assess how near or far the result may have been from that which would have been provided by a lay judge.

These socio-political pressures continued to mount until Henry had to take action. At Woodstock, Henry demanded that clerks convicted of crimes by the ecclesiastical courts be turned over to a secular court for punishment. Becket refused, and the church continued to refuse secular trials even when Henry ordered them.²⁶ Clerical offenses continued, and by the fall Henry tried again to create order through a more unified system of law. He went as far as to consult with experts in civil and canon law and it was determined that historic customs held that criminous clerks should be remanded to royal courts for punishment. Becket continued to insist only ecclesiastical courts could discipline criminous clerks.²⁷

By 1164, Henry II could no longer tolerate these conflicting systems of judgement. He issued edicts from a Council at Clarendon wherein the third article allowed ecclesiastical matters to be tried in church courts, but only when a representative from the king's court was present to observe and engage in the proceedings.²⁸ Historians frequently cite the third article of the Constitutions as "that famous clause" which drove Henry and Thomas apart.²⁹

There was, however, another article from Clarendon which addressed matters relating to the church that is often overlooked in the discussion about criminous clerks given the focus

²⁶ In one case, a clerk was accused of the rape of a young girl and the murder of her father, Becket refused to grant the secular trial Henry demanded and instead put the clerk in an episcopal prison. In another, a canon accused of murdering a knight testified under oath in an ecclesiastical court that he was innocent and was acquitted, only to abuse the sheriff who was sent by the royal court to reopen the case. Becket again stepped in, trying him only for the abuse to the sheriff and publicly flogged him for the offense, which Henry felt was far too lenient. See H. Potter, *Common Law*, p. 55.

²⁷ H. Potter, *Common Law*, p. 55.

²⁸ Fordham University, *Internet Medieval Sourcebook: Constitutions of Clarendon, 1164*, 2023, <https://sourcebooks.fordham.edu/source/cclarendon.asp> [accessed 16 April 2023].

²⁹ F. W. Maitland, 'Henry II and the Criminous Clerks', *The English Historical Review*, 7(26) (1892), pp. 224-234 (p. 224).

of that topic within the third article. The first article established that disputes between laymen, laymen and clergy, or amongst clergy “shall be treated or concluded in the court of the lord king”.³⁰ While Henry certainly had reason to be concerned about criminous activity, it is telling that the first article of the declaration asserts secular judgement over general disagreements involving the clergy, regardless whether a layperson is involved or not. Criminous clerks may have been the most contentious issue of the articles, but it should not be overlooked that it was not the only article from Clarendon where Henry attempted to obtain the final say in legal matters involving member of the clergy.

One final piece to consider in the changing socio-political environment that contributed to the clash between Henry and Thomas was the fact that Henry required the agreement to be written on a chirograph and distributed as acceptance and a record of their status. Many historical governing processes had been sustained by oral tradition and the giving of oaths, but by establishing a defined set of written rules, it may have only served to further entrench Henry and Thomas in their respective corners. No longer could the rules be interpreted as the king or archbishop at the time deemed, which was likely Henry’s objective. Henry’s own mother, Matilda, when informed about Clarendon, voiced her concern over them having been written down as “such a thing had never been done before”.³¹ Henry wanted to codify the Constitutions of Clarendon to ensure a more lasting peace and authority over the judicial system, but it likely only further entrenched Thomas in his resolve by forcing him to accept something which had not been done before and which Henry was resolved to implement.

³⁰ Fordham University, *Internet Medieval Sourcebook: Constitutions of Clarendon, 1164*, 2023, <https://sourcebooks.fordham.edu/source/cclarendon.asp> [accessed 16 April 2023].

³¹ M. Chibnall, ‘The Empress Matilda and Church Reform’, *Transactions of the Royal Historical Society*, 38 (1998), pp. 107-130 (p. 128).

This demonstration of resoluteness on both sides relates to the final aspect under consideration. While judicial precedence gave credibility to both Henry and Thomas in the conflict, and socio-political issues certainly would have been a strong factor behind each man wanting to establish and maintain authority, there is one final aspect of the criminous clerks debate to consider: that of the personal relationship and idiosyncrasies of Thomas and Henry.

Personal relationship between Henry and Thomas

Prior to the criminous clerks standoff, Henry and Thomas seemingly had a close relationship. Henry named Thomas his chancellor in 1154, shortly after taking the throne, which would not have been done if Henry did not trust and respect Thomas. The arrangement evidently remained satisfactory to Henry for several years, as he later appointed Thomas as archbishop in 1162 once the role at Canterbury was vacant.³² The fact that Henry and Thomas clashed at the Council of Woodstock the following year demonstrates how quickly the relationship deteriorated. The final factor to consider in determining the key contributions which led to the issue of criminous clerks is the decline of the personal relationship between Henry and Thomas and the temperament of each man.

An element of personal stubbornness and showmanship appears to have been a factor in the dispute. Each man exhibited tendencies to dig in their heels on the issue, which was not conducive to an amicable resolution. For example, Henry refused to deliver the kiss of peace to Thomas because he had sworn never to do so during one of their arguments. Alexander III even offered to release Henry from his oath in order to deliver the kiss to Thomas upon his

³² J. Guy, *Thomas Becket*, p. 75.

return from exile in France but Henry still refused.³³ At the Council of Northampton, Thomas dramatically carried a cross into the meeting on the last day, a gesture that was taken as aggression against the crown. A bishop at Northampton offered to lessen the tension by taking the cross, but Thomas refused. Later, while in exile, Thomas wrote he would choose death over living with the disgrace with which the king was treating him.³⁴ A hagiographer and contemporary of Thomas, John of Salisbury, wrote that he often chastised Thomas for his “unreasonable violence and obstinacy” with which he conducted himself with Henry.³⁵

During a period where establishing credible authority was critical given the recent Anarchy and papal schism, occasions where Henry would have been seen as demonstrating his authority over Thomas must have resonated in Thomas’ mind as he continued to refuse to agree to Henry’s terms on crimmious clerks. In one example, Henry undermined Thomas’ authority as archbishop by allowing Thomas’ rival in York to crown his son as the future king.³⁶

Henry did not always have the upper hand, however, as Thomas did not pass up on opportunities to chastise Henry for failing to repent what Thomas saw as offenses against the Church. Thomas claimed it was his duty as head of the church to lead Henry down the more righteous path. In one such letter, read aloud to Henry in 1166, Thomas calls Henry his “spiritual son”, which would designate a certain authority over the king as a parent has over their child.³⁷

³³ H. M. Thomas, ‘Shame, Masculinity, and the death of Thomas Becket’, *Speculum* 87(4) (2012), pp. 1050-1088 (p. 1067).

³⁴ H. Thomas, ‘Shame’, pp. 1070, 1080.

³⁵ C. J. Webb, ‘John of Salisbury’, *Proceedings of the Aristotelian Society*, 2(2) (1892-1893), 91-107 (pp. 92-93).

³⁶ M. Staunton, *Thomas Becket*, p. 97.

³⁷ M. Staunton, *Thomas Becket*, p. 122.

Thomas also exercised one of the tools he had as archbishop: the power of excommunication. In June 1166, Thomas excommunicated a number of royal and clerical opponents, which was also a message of warning to Henry lest he be next.³⁸ Further hurting the relationship, Thomas wrote in a letter to Henry that “[you do] not have the power” to rule over church matters because kings are endowed by the church, who are endowed directly from Christ.³⁹

These examples highlight how frequently and consistently Henry and Thomas both refused to give in on the issue and avoided opportunities for compromise. It was this defiant attitude from each party that also contributed to the issue of criminous clerks becoming so divisive.

Conclusion

Herein has been shown three areas in which conditions were rife for creating conflict between Henry and Thomas and erupting as the criminous clerks issue. Criminous clerks were not the powder keg to the clash, but they were certainly the match. More appropriately, as each of the judicial, socio-political and personal issues detailed here attest to, it was more like a matchbook due to ignite. While historians may not agree on who “won” the dispute on criminous clerks, it has been widely held as the breaking point in the relationship between

³⁸ M. Staunton, *Thomas Becket*, p. 120.

³⁹ M. Staunton, *Thomas Becket*, p. 103.

Thomas and Henry even through to modern times.⁴⁰ The fluid and often conflicting historical judicial systems regarding how to deal with criminal clerics, the social and political upheaval in both secular and religious worlds which created significant instability and a power struggle, and the tenuous relationship between Henry and Thomas which evolved following Thomas' appointment as archbishop all contributed to criminous clerks becoming such a divisive issue between the former friends.

⁴⁰ Historian Michael Staunton claims Henry's efforts "ended in failure", see his *Thomas Becket*, p. 97, while Harry Potter argues near-term concessions by Henry led to him being "checked...but not ultimately thwarted" and in the end "Henry took more than he gave" in negotiations with the pope. See *Common Law* p. 58. Still others count the matter as a draw, saying "the result was a compromise...a shared jurisdiction between the ecclesiastical and the secular authorities" see Charles Donahue, 'The Ecclesiastical Courts: Introduction', in *The History of Courts and Procedure in Medieval Canon Law*, eds. W. Hartmann and K. Pennington (Washington DC: Catholic University of America Press, 2016), pp. 247-299, (p. 270).

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